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PSC REF#:61024

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Public Service Commission of Wisconsin  
RECEIVED: 09/14/06, 3:45:16 PM

September 14, 2006

**VIA ERF**

Ms. Sandra Paske  
Secretary to the Commission  
Public Service Commission of Wisconsin  
610 North Whitney Way  
P.O. Box 7854  
Madison, WI 53707-7854

Re: **PSC Docket No. 137-CE-139:**

Application of American Transmission Company, as an Electric Public Utility, to Construct a New Waunakee Substation and Build a New 138 kV Line From the North Madison Substation to the New Waunakee Substation in the Town of Vienna and Westport, Dane County, Wisconsin

Dear Ms. Paske:

With this letter, American Transmission Company LLC and ATC Management Inc. are filing Comments on Requests for Intervention submitted between August 31 and September 13, 2006 on the Commission's Electronic Regulatory Filing System ("ERF"). We are also sending hard copies of this official filing to all parties included on the attached service list. However, to save paper, any party who had already received a copy of the ATC's Comments on Numerous Requests for Intervention dated August 31, 2006 are not being mailed a separate copy today.

With our next filing, we will begin serving electronically those who have requested electronic service.

Very truly yours,

**MICHAEL BEST & FRIEDRICH LLP**

/s/ Lauren L. Azar

Lauren L. Azar

LLA:kar  
Enclosures

cc: Attached Service List for ATC's Comments on Requests for Intervention Between 8/31 and 9/13/06.

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**BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

**Application of American Transmission  
Company, as an Electric Public Utility, to  
Construct a New Waunakee Substation and  
Build a New 138 kV Line From the North  
Madison Substation to the New Waunakee  
Substation in the Towns of Vienna and  
Westport, Dane County, WI**

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**137-CE-139**

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**AFFIDAVIT OF SERVICE**

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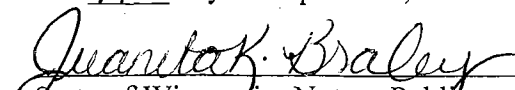
STATE OF WISCONSIN     )  
                                      : ss  
COUNTY OF DANE         )

I, Karyn A. Running, hereby state that I caused true and correct copies of ATC's Comments on Requests for Intervention Submitted Between August 31 and September 13, 2006 to be served via U.S. Mail upon the attached service list this 14<sup>th</sup> day of September, 2006. The attachment to these comments, however, were served via U.S. Mail upon only the following parties:

Donna Erbach
Mary Jo Parman & Robert N. Parman Sr.
Katherine Wolf
Steven Rawlins
Roger Aiello
Lisa Fuelleman
Four Lakes Green Party
Madison Gas and Electric Company

  
Karyn A. Running

Subscribed and sworn to before me  
this 14<sup>th</sup> day of September, 2006.

  
State of Wisconsin, Notary Public  
My commission expires: 1/31/2010  
Q:\CLIENT\069495\0059\B0890126.1

Application of American Transmission Company, as an Electric Public Utility, to Construct a New Waunakee Substation and Build a New 138 kV Line From the North Madison Substation to the New Waunakee Substation in the Towns of Vienna and Westport, Dane County, WI -- Docket No. 137-CE-139

Service List for ATC's Comments on  
Requests for Intervention Submitted  
between August 31 and September 13,  
2006 filed on September 14, 2006

Last Name	First Name	Organization	Address	City	State	Zip
Aiello	Roger		1132 Bluebird Trail	Waunakee	WI	53597
Anderson	Bert		22 Whitcomb Circle	Madison	WI	53711
Anderson	Celia		22 Whitcomb Circle	Madison	WI	53711
Barnes	John	Save Our Unique Lands (SOUL)	1811 Spring Rose Road	Verona	WI	53593
Bender	David	Garvey McNeil & McGillivray, S.C. (Sierra Club)	634 W. Main Street	Madison	WI	53703
McGillivray	Pamela		1408 Eldorado Court	Waunakee	WI	53597
Berggren Ph.D.	William		1117 Woodbridge Trail	Waunakee	WI	53597
Binkley	Lisa		1408 Eldorado Court	Waunakee	WI	53597
Black M.D.	Jennifer		1211 Dartmouth Drive	Waunakee	WI	53597
Blades	Robert		211 S. 2nd Street	Mount Horeb	WI	53572
Books	Steve		1749 S. Fish Hatchery Road	Fitchburg	WI	53575
Bothun	Bary		1611 Cty Hwy D	Oregon	WI	53575
Brown	John		4924 Whitcomb Drive #16	Madison	WI	53711
Browning, President	John	Whitcomb Square 8 Association	28 Whitcomb Circle	Madison	WI	53711
Buettner	Margaret		P.O. Box 1701	Madison	WI	53701
Burns	Stephen	Four Lakes Green Party	5154 Loruth Terrace	Madison	WI	53711
Butcher	James & Nancy		206 Sauk Creek Drive	Madison	WI	53717
Cash	Mark & Stephanie		5700 State Road 113	Waunakee	WI	53597
CaPaul, J.D.	Erik		5704 State Road 113	Waunakee	WI	53597
CaPaul	James & Nancy	CaPaul Family Limited Partnership	5949 River Road	Waunakee	WI	53597
CaPaul	Joseph	CaPaul Family Limited Partnership	5700 State Road 113	Waunakee	WI	53597
CaPaul	Nora	CaPaul Family Limited Partnership	1211 Dartmouth Drive	Waunakee	WI	53597
DeBeck	Joyce		4924 Whitcomb Drive #9	Madison	WI	53711
Dickert	Dorothy		1263 Hanover Trail	Waunakee	WI	53597
Duch	Tracey		1228 Hanover Trail	Waunakee	WI	53597
Dunai	Rebecca		1228 Hanover Trail	Waunakee	WI	53597
Dunai	Steve		2918 Nottingham Way	Madison	WI	53713
Dwyer	Helene		5137 Whitcomb Drive	Madison	WI	53711
Emerson	Anneliese		5403 Westshire Circle	Waunakee	WI	53597
Erbach	Donna		5110 Whitcomb Drive	Madison	WI	53711
Fosshage	Phyllis		1880 Sutter Drive	Mt. Horeb	WI	53572
Fuelleman	Lisa		1133 Bluebird Trail	Waunakee	WI	53597
Gatzke	Mary Jo		2407 Lisa Lane	Fitchburg	WI	53711
Gelman	Rena		210 Martin Luther King, Jr. Blvd., Room 419	Madison	WI	53703
Gullen	Kristie	Dane County Corporation Counsel	1115 Woodbridge Trail	Waunakee	WI	53597
Gruetzmacher	Christine & Michael		210 Martin Luther King, Jr. Blvd., Room 118	Madison	WI	53703
Hendrick	Supervisor John					
		Madison Gas & Electric Company c/o Stafford Rosenbaum	222 West Washington Avenue	Madison	WI	53701
Hughes	Edwin J.	Save the Badger Trail Coalition	1488 Rabenoaks Trail	Oregon	WI	53575
Huska	Kevin & Catherine					

Application of American Transmission Company, as an Electric Public Utility, to Construct a New Waunakee Substation and Build a New 138 kV Line From the North Madison Substation to the New Waunakee Substation in the Towns of Vienna and Westport, Dane County, WI -- Docket No. 137-CE-139

Service List for ATC's Comments on Requests for Intervention Submitted between August 31 and September 13, 2006 filed on September 14, 2006

Last Name	First Name	Organization	Address	City	State	Zip
Hussey	Jillian		924 West Shore Drive	Madison	WI	53715
Jones	Chris		1209 Dartmouth Drive	Waunakee	WI	53597
Jones	Jeffrey	Save the Badger Trail Coalition	1617 Gray Owl Court	Oregon	WI	53575
Jones	Kerrie		1209 Dartmouth Drive	Waunakee	WI	53597
Karpinsky	Margaret		5134 Loruth Terrace	Madison	WI	53711
Kippert	Jack & Vivian		4924 Whitcomb Dr. #10	Madison	WI	53711
Klaas	Jennifer		1234 Woodbridge Trail	Waunakee	WI	53597
Klaas, Jr.	Robert		1234 Woodbridge Trail	Waunakee	WI	53597
Kramer, President	Robert	Sauk Creek Neighborhood Association	7430 Farmington Way	Madison	WI	53717
Krantz	Alan		4028 Cty. J	Cross Plains	WI	53528
Krantz	Bertrand & Anna May		4024 Cty. J	Cross Plains	WI	53528
Krantz	Dale		4026 Cty. J	Cross Plains	WI	53528
Krantz	Gerry		8468 W. Mineral Point Roas	Cross Plains	WI	53528
Lauer	Robert		2407 Lisa Lane	Fitchburg	WI	53711
Lebron	Robert & Robyn		1124 Bluebird Trail	Waunakee	WI	53597
Lee	Heather & Dennis		1212 Dartmouth Drive	Waunakee	WI	53597
Lee	Michael		1222 Lawton Lane	Waunakee	WI	53597
Lerch	Linda		6800 County Road I	Waunakee	WI	53597
Lupiezowiec	Tina & JJ		5121 Loruth Terrace	Madison	WI	53711
Lynch	Ann		P.O. Box 259452	Madison	WI	53725
MacKenzie	Marcia	Dane County Corporation Counsel	210 Martin Luther King, Jr. Blvd., Room 419	Madison	WI	53703
May	Michael	City of Madison	210 Martin Luther King, Jr. Blvd., Room 401	Madison	WI	53703
McDonnell	Supervisor Scott		210 Martin Luther King, Jr. Blvd., Room 118	Madison	WI	53703
McGuire	Mary & Michael		205 N. High Point Road	Madison	WI	53717
McLeod	Barbara		5209 Whitcomb Drive	Madison	WI	53711
McLeod	Paul		5209 Whitcomb Drive	Madison	WI	53711
Maruna	Tim		1110 Woodbridge Trail	Waunakee	WI	53597
Mattice	Kelly		1811 Spring Rose Road	Verona	WI	53593
May, City Attorney	Michael	Office of the City Attorney	210 Martin Luther King, Jr. Blvd., Room 401	Madison	WI	53703
Moen	Arthur Hans		1129 Gilbert Road	Madison	WI	53711
Muenich	Paul		1002 Franconia Court	Waunakee	WI	53597
Nordloh	Dan		1111 Woodbridge Trail	Waunakee	WI	53597
Nordling	Lowell		1622 Gray Owl Court	Oregon	WI	53575
Oelke	Todd & Lisa		1312 Hanover Court	Waunakee	WI	53597
Parman	Robert H. & Mary Jo		5114 Loruth Terrace	Madison	WI	53711
Passmore	Trevor & Sue	Save the Badger Trail Coalition	1611 Gray Owl Court	Oregon	WI	53575
Porter (CaPaul)	Susan	CaPaul Family Limited Partnership	3907 Hoepker Lane	Madison	WI	53704
Powell, Jr.	Melvin	West Waubesa Preservation Coalition	P.O. Box 234	Oregon	WI	53575
Rawlins	Steven		1223 Lawton Lane	Waunakee	WI	53597

Application of American Transmission Company, as an Electric Public Utility, to Construct a New Waunakee Substation and Build a New 138 kV Line From the North Madison Substation to the New Waunakee Substation in the Towns of Vienna and Westport, Dane County, WI -- Docket No. 137-CE-139

Service List for ATC's Comments on Requests for Intervention Submitted between August 31 and September 13, 2006 filed on September 14, 2006

Last Name	First Name	Organization	Address	City	State	Zip
Regan	Eileen		1205 Loruth Terrace	Madison	WI	53711
Regan	John		1205 Loruth Terrace	Madison	WI	53711
Richmond	Supervisor Kyle		210 Martin Luther King, Jr. Blvd., Room 118	Madison	WI	53703
Rogers	Donald		2621 Waunona Way	Madison	WI	53713
Sauer	Michael & Jennifer	Save the Badger Trail Coalition	1592 Gray Owl Court	Oregon	WI	53575
Schilling	Kristie	Chrysalis Design Works	113 N. Main Street	Oregon	WI	53575
Schroeder	Deborah	Dane County Corporation Counsel	210 Martin Luther King, Jr. Blvd., Room 419	Madison	WI	53703
Semandel	Jodi & Kurt		1315 Lawton Lane	Waunakee	WI	53597
Shoemaker	Fred & Eileen		1209 Johnson Street	Stoughton	WI	53589
Stearns	Robin	Citizens for Responsible Energy	1101 Bluebird Trail	Waunakee	WI	53597
Stearns	Robin & Howard	Wire Safe Wisconsin	1101 Bluebird Trail	Waunakee	WI	53597
Stevens	Kent & Tamara		1400 Eldorado Court	Waunakee	WI	53597
Stewart	Mark & Linda		1204 Wenzel Way	Waunakee	WI	53597
Stouffer	Linda		6800 County Road I	Waunakee	WI	53597
Strouse	Anne		5130 Loruth Terrace	Madison	WI	53711
Tilley	Ron		5109 Whitcomb Drive	Madison	WI	53711
Tilley	Sandra		5109 Whitcomb Drive	Madison	WI	53711
Turner	L. Roger & Yvonne		4924 Whitcomb Dr. #3	Madison	WI	53711
Watson	Rush		5102 Whitcomb Drive	Madison	WI	53711
Williams	David		616 S. Brearly Street	Madison	WI	53703
Wolf	Kathryn		4931 Hickory Trail	Middleton	WI	53562
Wozniak	Annita		6553 Hwy M	Verona	WI	53593

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

<b>Application of American Transmission</b>	)	
<b>Company, as an Electric Public Utility, to</b>	)	
<b>Construct a New Waunakee Substation and</b>	)	<b>137-CE-139</b>
<b>Build a New 138 kV Line From the North</b>	)	
<b>Madison Substation to the New Waunakee</b>	)	
<b>Substation in the Towns of Vienna and</b>	)	
<b>Westport, Dane County, WI</b>		

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**AMERICAN TRANSMISSION COMPANY LLC AND ATC MANAGEMENT INC.'S  
COMMENTS ON REQUESTS FOR INTERVENTION  
SUBMITTED BETWEEN AUGUST 31, AND SEPTEMBER 13, 2006**

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The Applicants, American Transmission Company LLC and ATC Management Inc., its corporate manager (collectively, "ATC"), have received and reviewed the eight Requests for Intervention that were submitted on or after August 31, 2006 ("New Requests"). At this time, it is unclear to ATC whether this morning's ruling applies to all parties who had filed requests prior to today or if the ruling only applies to parties filing prior to August 31, 2006. Accordingly, ATC submits this filing to preserve its rights.

The eight New Requests fall under the categories described in ATC's Comments on Requests for Intervention of Numerous Parties dated August 31, 2006 (ERF # 60389; hereafter, ATC's 8/31/06 Comments a copy of which is attached hereto). If this morning's ruling only applies to those who had requested intervention prior to August 31<sup>st</sup>, then with this filling, we request that ATC's 8/31/06 Comments be applied to the eight New Requests as categorized below:

**Docket No. 137-CE-139**  
**North Madison to Huiskamp Transmission Project**  
**ATC's Comments on Numerous Requests for Intervention**

**FORM LETTER FILERS**

	<b>Name of Intervenor</b>	<b>ERF Number</b>
1	Donna Erbach	60391
2	Mary Jo Parman & Robert N. Parman Sr.	60643
3	Kathryn Wolf	60948

**MODIFIED FORM LETTER FILERS**

	<b>Name of Intervenor</b>	<b>ERF Number</b>	<b>Type of Letter or Modification</b>
	<b>Modified Form Letter - Version 2</b>		<b>Did not request that application be deemed incomplete; merged second and third paragraphs; and switched beginning of one sentence from "All ratepayers will be affected" to "As a ratepayer in Wisconsin, I will be affected"</b>
1	Steven Rawlins	60392	
	<b>Modified Form Letter – Version 4</b>		<b>Did not request that application be deemed incomplete; merged second and third paragraphs; and switched ratepayer interest to interest as resident of Waunakee</b>
2	Roger Aiello	60913	

**COMBINATIONS OF INTERESTS IN NON-FORM LETTERS**

	<b>Name of Intervenor</b>	<b>ERF Number</b>	<b>Type of Letter or Modification</b>
1	Lisa Fuelleman	60591	Ratepayer; questions about Dane County energy needs and solutions
2	Four Lakes Green Party	60644	Dane County energy needs; rate issues; application submitted even though citizens object.

**ATC HAS NO COMMENTS OR OBJECTIONS TO THE REQUESTS FOR INTERVENTION OF THE FOLLOWING PARTIES:**

	<b>Name of Intervenor</b>	<b>ERF Number</b>
1	Madison Gas and Electric Company	60688

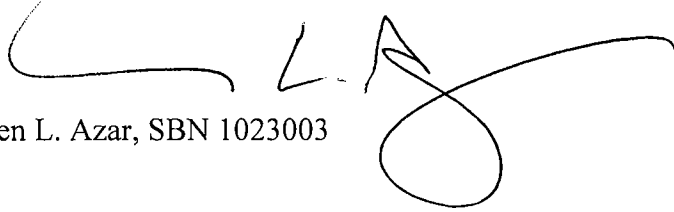
As stated in ATC's 8/31/06 Comments, ATC hopes that any party seeking full party status who has additional information that could assist the Commission in evaluating their

**Docket No. 137-CE-139**  
**North Madison to Huiskamp Transmission Project**  
**ATC's Comments on Numerous Requests for Intervention**

intervention will take the opportunity to provide supplemental information in a reply to these comments.

Dated this 14<sup>th</sup> day of September, 2006.

**MICHAEL BEST & FRIEDRICH LLP for  
AMERICAN TRANSMISSION COMPANY LLC  
and ATC MANAGEMENT INC.**

A handwritten signature in black ink, appearing to read 'LAZAR', with a large, stylized loop at the end.

Lauren L. Azar, SBN 1023003

Michael Best & Friedrich LLP  
One South Pinckney Street, Suite 700  
P.O. Box 1806  
Madison, WI 53703  
(608) 257-3501

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**BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

<b>Application of American Transmission</b>	)	
<b>Company, as an Electric Public Utility, to</b>	)	
<b>Construct a New Waunakee Substation and</b>	)	<b>137-CE-139</b>
<b>Build a New 138 kV Line From the North</b>	)	
<b>Madison Substation to the New Waunakee</b>	)	
<b>Substation in the Towns of Vienna and</b>	)	
<b>Westport, Dane County, WI</b>		

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**AMERICAN TRANSMISSION COMPANY LLC AND ATC MANAGEMENT INC.'S  
COMMENTS ON NUMEROUS REQUESTS FOR INTERVENTION**

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The Applicants, American Transmission Company LLC and ATC Management Inc., its corporate manager, (collectively, "ATC") have received and reviewed as of August 31, 2006 the 87 Requests for Intervention in this North Madison to Huiskamp Transmission Project ("Project"). The Commission has already granted two of the requests, making Safe Wisconsin and Citizens for Responsible Energy full parties in Docket No. 137-CE-139. Rather than respond to each individual Request for Intervention, ATC provides this general response, which is based on the information filed.<sup>1</sup> Because ATC welcomes the participation of parties who truly have a substantial interest in this matter or who may further the disposition of the case, ATC hopes that any party<sup>2</sup> seeking full party status who has additional information that could assist

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<sup>1</sup> ATC has no comments or objections to the Requests for Intervention made by the following parties: (1) Linda Lerch & Linda Stouffer, (2) Sierra Club, (3) CaPaul Family Limited Partnership, (4) Erik CaPaul, (5) James and Nancy CaPaul, (6) Dane County and (7) the Village of Waunakee. (For ease of reference, we have attached, as Exhibit A, a table listing these parties.) ATC's objections to the City of Madison's request for intervention is presented in a separate filing. ATC also notes that on August 31, 2006 Ms. Martha Reynolds withdrew her request for intervention and she is, therefore, not part of this filing. (See ERF # 59336 and 60348.)

<sup>2</sup> ATC recognizes that some parties are not represented by counsel and, therefore, may not know the legal standards for intervention. ATC would not object to unrepresented parties supplementing the facts to support their Request for Intervention. However, parties represented by counsel should be held to the facts in their original filing.

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**North Madison to Huiskamp Transmission Project**  
**ATC's Comments on Numerous Requests for Intervention**

the Commission in evaluating their intervention will take the opportunity to provide supplemental information in a reply to these comments.

**I. ATC'S COMMENTS ON INTERVENTION BY RIGHT**

Individuals requesting party status may intervene either by right, Wis. Admin. Code § PSC 2.21(1), or permissively under subsection (2). The threshold test for interventions by right, as specified in Wis. Admin. Code § PSC 2.21(1), requires “a substantial interest ... affected by the Commission’s action or inaction in a proceeding...” This language in § PSC 2.21(1) comes from Wis. Stat. § 227.44(2m), which provides that:

any person whose substantial interest may be affected by the decision following the hearing shall be admitted as a party.

(Emphasis added.) To satisfy the “substantial interest” requirement, the Commission requires persons seeking intervention to demonstrate the standing that would be necessary to obtain judicial review of a final Commission order in the proceeding. *Order Denying The Application Of ANR AND Memorandum Decision*, Docket No. 6650-GP-101 (June 29, 1999) (the “ANR Pipeline Order”), p. 5 (*citations omitted*). The Commission adopted the two-part test that Wisconsin courts have long used to determine standing for judicial review. First, the petitioner must demonstrate that it has sustained an injury due to an agency decision. That impact must not be hypothetical or conjectural, but must be an “injury in fact.” Second, the petitioner must show that the impact is to an interest that the law recognizes or seeks to regulate or protect. *Town of Delavan v. City of Delavan*, 160 Wis. 2d 403, 410-11, 466 N.W.2d 227 (Ct. App. 1990); *Waste Management of Wisconsin, Inc. v. DNR*, 144 Wis. 2d 499, 505, 424 N.W.2d 685, 687 (1988).

Here, to qualify as an intervenor at this threshold stage, a person must demonstrate an interest that could be affected as a result of the Project and that the law either recognizes or

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intends to protect such an interest. Is every citizen of Wisconsin entitled to intervene in a Dane County transmission line case? Or, every resident of Dane County? No. Though there are clearly individuals or groups whose interests may be affected by this Project, there are others who do not have a “substantial interest.”

Those persons or families who live or own property along the proposed routes for the Project can argue that a substantial interest will be directly affected by this Project and that interest is protected by law. For example, ATC does not object to the intervention of the Village of Waunakee (“Village”). The Village asserts a representational interest for the citizens of the Village that will be affected by this line.

**A. Intervention Based on the Form Letter**

But there are many others seeking to intervene who have not expressed a substantial interest in this Project. A form letter was apparently distributed to the public along with a letter requesting that those interested in any of ATC's Dane County projects file a request for intervention in this docket. The form letter requested intervention based on ratepayer status and a generic concern about ATC's projects in Dane County. A copy of the solicitation—which included erroneous information about participation in Commission proceedings—is attached to Dorothy Dickert's request for intervention (ERF # 59845). Of the 87 Requests for Intervention, 71 of them simply filed the form letter or a modified form letter. Those individuals filing the form letter and the modified form letter<sup>3</sup> are identified on the tables entitled “Form Letter Filers” (Exhibit B) and “Modified Form Letter Filers” (Exhibit C), respectively. Neither ratepayer

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<sup>3</sup> The changes included in Modified Form Letters are not significant for purposes of intervention.

**Docket No. 137-CE-139**  
**North Madison to Huiskamp Transmission Project**  
**ATC's Comments on Numerous Requests for Intervention**

status nor a general concern about Dane County transmission and future transmission projects is sufficient to qualify for intervention by right.

**B. Intervention Based on Ratepayer Status**

ATC's rates are set by the Federal Energy Regulatory Commission and the rates are system-wide. A City of Madison or Dane County area ratepayer has no interest in this Project different from the customers of an electric utility in Upper Michigan or Illinois served by ATC. So, if these intervenors are admitted by right on the basis of ratepayer status, Illinois or Upper Michigan residents could be admitted as well. The law does not seek to evaluate ATC rates generally when evaluating an application for a certificate of public convenience and necessity ("CPCN"). Instead, the CPCN law requires a weighing and balancing of the costs of the proposed project with its benefits. Wis. Stat. § 196.491(3)(d)(5). This Project will, admittedly, have an ultimate impact on rates but not differentially for local ratepayers. Protection of ratepayers is generally not enough to establish a "substantial interest" in this Project.

**C. Intervention Based on Concerns about Other Dane County Transmission Projects**

The other future projects that may occur in Dane County are not the subject of this application, nor are they critical to the need for or operation of this Project. The North Madison to Huiskamp Transmission Project is independent from other potential Dane County projects. The need for and the timing of the North Madison to Huiskamp Transmission Project are principally driven by local needs and conditions. Even if none of the other potential Dane County projects were proposed and built, this Project would still be needed (i.e., this Project is not dependent upon the construction of future projects). (See Application, Addendum I, pages

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5C-5H, which is ERF # 56349.) Expressing an interest in unrelated Dane County projects is irrelevant to whether a party qualifies for intervention by right in this docket.

**D. Intervention Based on Environmental Impacts**

A few of the 87 filers (not using the form letter) mention a generic interest in the environmental impacts of the North Madison to Huiskamp Transmission Project without specifically identifying how the Project would affect them from an environmental perspective. (Those parties are identified in the table entitled "Combinations of Interests in Non-Form Letters" which is attached as Exhibit D.) Simply mentioning concern about possible environmental impacts of the Project is insufficient to establish a substantial interest for purposes of intervention.

**E. Intervention Based on a Combination of the Above**

A few other filers, not using the form letter, seek intervention based on a combination of the topics discussed above, i.e. ratepayer status, other Dane County Projects, or generic environmental concerns. (See Exhibit D for a list of these parties.) In other words, these filers are combining arguments that individually fail to establish intervention by right. Such combinations also fail to qualify the filer for intervention by right.

**F. Summary**

Many of the parties seeking to intervene have failed to demonstrate a substantial interest that the law recognizes or seeks to protect. (If any individual has a substantial interest in this Project but failed to demonstrate that interest in their filing, ATC hopes they will identify their interest in their reply.) There is no generic ratepayer interest in this proceeding. Likewise, there is no place in this proceeding to decide the need for future Dane County projects. Lastly, simply

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**North Madison to Huiskamp Transmission Project**  
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claiming a generic concern about environmental impacts is insufficient to demonstrate a substantial interest in this Project's potential effects on the environment. This is a specific project with specific potential effects. Those who could be directly affected by the North Madison to Huiskamp Transmission Project are protected and are entitled to intervention by right. Those who do not have a substantial interest, are not so entitled.

**II. ATC'S COMMENTS ON PERMISSIVE INTERVENTION**

The PSC has the authority to permit permissive intervention under § PSC 2.21(2) which provides as follows:

(2) PERMISSIVE INTERVENTION. A person not satisfying the criteria of sub. (1) may nevertheless intervene in a proceeding or docket if the person's participation likely will promote the proper disposition of the issues to be determined in the proceeding or docket and if the person's participation will not impede the timely completion of the proceeding or docket.

It is a matter of discretion whether to grant permissive intervention in these circumstances. Many parties will likely raise the same issues. Therefore, many of the 87 parties who have requested full party status are not likely necessary for the proper disposition of the issues. This is particularly true where these individuals will have the right to testify and make written submissions to the Commission in the record through the public hearing and comment process. Moreover, having all 87 participate as full parties would greatly add to the cost of and would impede the timely completion of this docket and, therefore, granting permissive intervention to all 87 is not allowed under the rule.

**III. CONCLUSION**

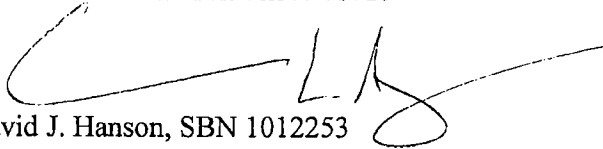
In conclusion, ATC believes that the interest as currently asserted in connection with many of the Requests for Intervention do not justify party status. Even without gaining full party

**Docket No. 137-CE-139**  
**North Madison to Huiskamp Transmission Project**  
**ATC's Comments on Numerous Requests for Intervention**

status, these parties may participate meaningfully in this docket. Under § PSC 2.20(2) "A person may testify at a hearing without becoming a party." In addition, they may attend these proceedings and will be permitted to file written comments. Anyone who requests but is denied full party status is welcome and should be encouraged to submit testimony in the public hearing in this docket.

Dated this 31st day of August, 2006.

**MICHAEL BEST & FRIEDRICH LLP for**  
**AMERICAN TRANSMISSION COMPANY LLC**  
**and ATC MANAGEMENT INC.**

A handwritten signature in black ink, appearing to be "DJH", is written over the printed name of David J. Hanson.

David J. Hanson, SBN 1012253  
Lauren L. Azar, SBN 1023003

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(608) 257-3501

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**EXHIBIT A****N. Madison-Huiskamp Docket # 137-CE-139**

**ATC HAS NO COMMENTS OR OBJECTIONS TO THE  
REQUESTS FOR INTERVENTION OF THE FOLLOWING  
PARTIES:**

	<b>Name of Intervenor</b>	<b>ERF Number</b>
1	Linda Lerch & Linda Stouffer	59121
2	Four Lakes Group of John Muir Chapter, Sierra Club	59122
3	CaPaul Family Limited Partnership	59123
4	Erik CaPaul	59124
5	James & Nancy CaPaul	59464
6	Dane County	59487
7	Village of Waunakee	not ERF'd



## FORM LETTER FILERS

	Name of Intervenor	ERF Number
1	Ann Lynch	59283
2	Annita M. Wozniak	59285
3	Fred & Eileen Shoemaker	59286
4	Anneliese Emerson	59287
5	Bert T. Anderson	59333
6	John R. Browning	59334
7	Phyllis L. Fosshage	59335
8	Kristie Schilling	59337
9	Celia M. Anderson	59449
10	Tina & JJ Lupiezowiec	59450
11	Steve A. Dunai	59585
12	Rebecca V. Dunai	59586
13	Rush Watson	59587
14	Margaret J. Karpinsky	59611
15	Donald J. Rogers	59612
16	Margaret Buettner	59614
17	Bertrand & Anna May Krantz	59796
18	Alan Krantz	59797
19	Gerry Krantz	59798
20	Dale Krantz	59799
21	Michael J. Lee	59801
22	Paul A. Muenich	59803
23	Jack & Vivian Kippert	59804
24	Anne Strouse	59805
25	Steve J. Books	59806
26	Paul McLeod	59808
27	Barbara McLeod	59809
28	L. Roger & Yvonne M. Turner	59847
29	Tracey Duch	59850
30	Christine & Michael Gruetzmacher	59851
31	Joyce DeBeck	59852
32	Robert Blades	59853
33	Dorothy L. Dickert	59854
34	Kent & Tamara Stevens	59929
35	Kerrie Jones	59932
36	Chris Jones	59933
37	Heather Lee	59935
38	Heather and Dennis Lee	59936
39	Robert Lauer	59937
40	Rena Gelman	59938
41	John F. Barnes	59943
42	Todd & Lisa Oelke	59945
43	Mark & Linda Stewart	60083
44	Helene L. Dwyer	60085
45	Lynn Keller	60086
46	David L. Williams	60089
47	Ron Tilley	60090
48	Sandra Tilley	60091
49	Arthur Hans Moen	60198
50	Bary Bothun	60199
51	John Brown	60200
52	Scott Andersen	60228

## MODIFIED FORM LETTER FILERS

Name of Intervenor	ERF Number	Type of Letter or Modification
Modified Form Letter - Version 2		
1 Eileen Regan	59280	Did not request that application be deemed incomplete; merged second and third paragraphs; and switched beginning of one sentence from "All ratepayers will be affected" to "As a ratepayer in Wisconsin, I will be affected"
2 John Regan	59281	
3 Jodi and Kurt Semandel	59282	
4 Annita M. Wozniak	59285	
5 Jillian Hussey	59297	
6 Jeffrey A. Jones	59448	
7 James Butcher	59931	
Modified Form Letter - Version 3		
8 Mark & Stephanie Cash	59284	Pluralized letter (from "I" to "We"); did not request that application be deemed incomplete; rewrote first paragraph; merged second and third paragraphs; noted membership in Sauk Creek Neighborhood Association
9 Mary & Michael McGuire	59944	
Modified Form Letter - Version 4		
10 Robert J. Klaas, Jr.	59930	Did not request that application be deemed incomplete; merged second and third paragraphs; and switched ratepayer interest to interest as resident of Waunakee
11 Jennifer B. Klaas	59934	
12 Daniel A. Nordloh	60084	
13 Lisa Binkley	60087	
14 Mary Jo Gatzke	60088	
15 Carol Fifi	60227	
Modified Form Letters - Misc		
16 Robert E. and Robyn E. Lebron	59800	Modified Form Letter: Pluralized letter (from "I" to "We")
17 Jennifer Black, M.D. & William T. Berggren Ph.D	59802	Modified Form Letter: Formatted certain language in all caps.
18 Tim Maruna	59807	Modified Form Letter: Formatted certain language in all caps.
		Modified Form Letter: Did not request that application be deemed incomplete; merged second and third paragraphs; and switched beginning of one sentence from "All ratepayers will be affected" to "As a ratepayer in Wisconsin, I will be affected"; also did slight amount of rewording without changing meaning
19 Kelly Mattice	59942	

**EXHIBIT D****N. Madison-Huiskamp Docket # 137-CE-139****COMBINATIONS OF INTERESTS IN NON-FORM LETTERS**

	<b>Name of Intervenor</b>	<b>ERF Number</b>	<b>Type of Letter or Modification</b>
1	Kevin and Catherine Huska	59588	Ratepayers; ATC's southern Wisconsin projects
2	Michael & Jennifer Sauer	59665	Ratepayers; ATC's Dane County projects
3	Sauk Creek Neighborhood Association	59584 & 60169	Ratepayers; submitted separate letter opposing Rockdale-W. Middleton project; group represents 170 families on far west side of Madison.
4	Save the Badger Trail Coalition	59613	ATC's Dane County Projects; ratepayers.
5	Save Our Unique Lands (SOUL)	59969	(modified form letter) ratepayers; ATC's Dane County Projects; also has an interest in "the well being of the environment and social structures sure to be negatively affected."
6	West Waubesa Preservation Coalition	60168	environmental concerns (preserve rural character, natural envir. and beauty of Dane County); ATC's Dane County projects in relation to the regional grid